UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,173	11/12/2003	Amit Shachak	1005-04-01 USP	6121

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EXAMINER
FIGUEROA, MARISOL

ART UNIT	PAPER NUMBER
2617	

NOTIFICATION DATE	DELIVERY MODE
04/16/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspto@i-p-law.us
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		Application No.	Applicant(s)
Office Action Summary		10/706,173	SHACHAK, AMIT
		Examiner	Art Unit	
		MARISOL FIGUEROA	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 February 2010*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,7,8,11-13,24 and 25* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,7,8,11-13,24 and 25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
           application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on 02/16/2010 has been entered.

Response to Arguments

2.   Applicant's arguments with respect to claims 1-3, 7, 8, 11-13, 24, and 25 have been

considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

4.   **Claims 1, 3, 11, and 13** are rejected under 35 U.S.C. 103(a) as being unpatentable over

MARUI (US 5,471,643) in view of VAN REENEN et al. (US 2005/0107122).

Regarding claim 1, Marui discloses a method of updating database records in a mobile

communication network, the method comprising:

modifying by a user configuration data stored in a memory of a mobile device by

entering one or more values by the user through interaction with one or more configuration

means of a user interface of the mobile device (Fig. 4; abstract; col. 7, lines 15-57; the user

modifies the SID and MID numbers (i.e., configuration data) stored in the memory of the mobile

telephone by entering a series of input commands through the keypad (i.e., user interface));

wherein the configuration data comprises at least one of an access point

name (APN), a web gateway Internet protocol (IP) address, a short messaging

service center (SMSC), system identification code (SID) and communication

environment dependent information (Fig. 4; abstract; col. 7, lines 15-57; the user modifies the

system identification numbers SID).

But, Marui does not particularly disclose determining when the user has modified the

configuration data in the mobile device by comparing the entered values with the configuration

data; and transmitting the configuration data to a server system for updating respective records

of a database in the mobile communication network, in response to determining that the

configuration data has been modified by the user.

However, Van Reenen discloses a method for determining when a user has modified data

stored in the mobile device and transmitting the modified data to a server for updating respective

records of a database via a communication network, in response to determining that the

configuration data has been modified to the user (abstract; paragraphs 2-10, 21; an application

software identifies changes (i.e., modifications) that have been made to the data stored in the

telephone device and transmits the changes to a back up facility (i.e., server) via the

telecommunication network, these changes are stored in the storage means (i.e., database) of the

backup facility; note that is inherent that changes are determining through a comparison step).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of

the invention, to modify Marui to include transmitting data that has been modified by the user to

a server system for storing and updating respective records of a database in the mobile communications network, as suggested by Van Reenen, since such a modification would allow the mobile device to store a copy of its stored data remotely in order to facilitate restoring the memory of the mobile device in case of damage, theft or displacement of the mobile device.

Regarding claim 3, the combination of Marui and Van Reenen disclose the method of claim 1, in addition Van Reenen discloses further comprising transmitting the configuration data to the server system within a predetermined time period, when it is determined that the configuration data is modified in the mobile device (paragraph 30; the data is transmitted to the back up facility at regular intervals). Therefore, it would have been obvious to a person having ordinary skill in the at the time of the invention, to modify Marui to include transmitting the stored data to the server system within a predetermined time period, when it is determined that the data is modified in the mobile device, as suggested by Van Reenen, since such a modification would allow the transmission of updated data at regular intervals.

Regarding claim 11, Marui discloses a system of updating database records in a mobile communication network, the system comprising:

modifying by a user configuration data stored in a memory of a mobile device by entering one or more values by the user through interaction with one or more configuration means of a user interface of the mobile device (Fig. 4; abstract; col. 7, lines 15-57; the user modifies the SID and MID numbers (i.e., configuration data) stored in the memory of the mobile telephone by entering a series of input commands through the keypad (i.e., user interface));

wherein the configuration data comprises at least one of an access point name (APN), a web gateway Internet protocol (IP) address, a short messaging

service center (SMSC), system identification code (SID) and communication environment dependent information (Fig. 4; abstract; col. 7, lines 15-57; the user modifies the system identification numbers SID).

But, Marui does not particularly disclose a comparator for determining when a user has modified configuration data stored in a memory of a mobile device by comparing one or more values entered by the user with the configuration data, and a transmitter for transmitting the configuration data to a server system for updating respective records of a database in the mobile communication network, in response to determining that the configuration data has been modified by the user.

However, Van Reenen discloses a system comprising a comparator for determining when a user has modified data stored in a memory of a mobile device by comparing one or more values entered by the user with the stored data, and a transmitter for transmitting the data to a server system for updating respective records of a database in the mobile communication network, in response to determining that the data has been modified by the user (abstract; paragraphs 2-10, 21; an application software identifies changes (i.e., modifications) that have been made to the data stored in the telephone device and transmits the changes to a back up facility (i.e., server) via the telecommunication network, these changes are stored in the storage means (i.e., database) of the backup facility; note that a comparator is inherent given that changes are detected and conventionally changes are detected via a comparison step). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify Marui to include a comparator for determining when a user has modified data stored in a memory of a mobile device by comparing one or more values entered by the user

with the stored data, and a transmitter for transmitting the data to a server system for updating

respective records of a database in the mobile communication network, in response to

determining that the data has been modified by the user, as suggested by Van Reenen, since such

a modification would allow the mobile device to store a copy of its stored data remotely in order

to facilitate restoring the memory of the mobile device in case of damage, theft or displacement

of the mobile device.

Regarding claim 13, the combination of Marui and Van Reenen disclose the system of

claim 11, in addition Van Reenen discloses wherein the transmitter transmits the configuration

data to the server system within a predetermined time period, when it is determined that the

configuration data is modified in the mobile device (paragraph 30; the data is transmitted to the

back up facility at regular intervals). Therefore, it would have been obvious to a person having

ordinary skill in the at the time of the invention, to modify Marui to include the transmitter,

transmitting the stored data to the server system within a predetermined time period, when it is

determined that the data is modified in the mobile device, as suggested by Van Reenen, since

such a modification would allow the transmission of updated data at regular intervals.

5.   **Claims 2 and 12** are rejected under 35 U.S.C. 103(a) as being unpatentable over

MARUI in views of VAN REENEN et al., and OKKONEN et al. (US 2004/0166839).

Regarding claim 2, the combination of Marui and Van Reenen disclose the method of

claim 1, but the combination does not particularly disclose transmitting the configuration data to

the server in real time. However, Okkonen teaches transmitting configuration data to a server in

real time (paragraphs [0057]-[0059]; a check is made to determine if there is been a change in

the SIM card information, when a change is detected, the SIM card change information is

immediately (i.e., real time) communicated to the server). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify the combination to include transmitting configuration data to a server in real time, as suggested by Okkonen, since such a modification would make faster the delivery of the configuration data.

 Regarding claim 12, the combination of Marui and Van Reenen disclose the system of claim 11, but the combination does not particularly disclose transmitting the configuration data to the server in real time. However, Okkonen teaches transmitting configuration data to a server in real time (paragraphs [0057]-[0059]; a check is made to determine if there is been a change in the SIM card information, when a change is detected, the SIM card change information is immediately (i.e., real time) communicated to the server). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify the combination to include transmitting configuration data to a server in real time, as suggested by Okkonen, since such a modification would make faster the delivery of the configuration data.

6. **Claim 25** is rejected under 35 U.S.C. 103(a) as being unpatentable over MARUI in views of VAN REENEN et al., CHILDS (US 2002/0107868), and STAAS JR (US 5,125,091).

 Regarding claim 25, the combination of Marui and Van Reenen disclose the method of claim 1, in addition Van Reenen discloses wherein the database is updated by replacing at least one record in the database based on the configuration data (paragraph 21), such that the configuration data is made available to a service representative for trouble shooting purposes (the system has the capability to be used for trouble shooting purposes, furthermore, the language used by the applicant merely suggests or makes optional those features described as "statements

of intended use" (i.e., "such that", "for trouble shooting purposes"; such language does not require the steps to be performed or does not limit the scope of a claim limitation, MPEP § 2106 (c), 2111.04).

But, the combination does not particularly disclose wherein the configuration data is compared with the respective records of the database for consistency, wherein the configuration data is compared to a range of values to determine whether the configuration data transmitted to the server system is valid, in response to determining that the respective records of the database are inconsistent with the configuration data, wherein an alert is generated, in response to determining that the configuration data is outside the range of values.

However, Childs teaches checking data transmitted to a server for storage in a database for consistency and determining whether is invalid, generating an alert in response to determining that the data is invalid (Abstract; paragraph [0018]; Childs teaches a method and system for collecting data, e.g. "RAM data", from distributed locations and transmitting the data to a server computer for storage, the data can be collected on periodic basis and the collected data is transmitted to a server computer, when the server computer receives the data, it validates the data (i.e., check for consistency), if valid, automatically stores the data in a database, but when the data is <u>invalid</u> the server computer sends an error message (i.e., alert) to the sending client (i.e., subscriber) so that the error can be corrected). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention, to modify the combination to include the step of checking data transmitted (i.e., configuration data) to a server for consistency and determining whether is invalid, generating an alert in response to determining that the data is

invalid, as suggested by Childs, in order to correct errors in the data deemed to be invalid and assuring the quality (e.g. validity) of the data that will be stored in the server database.

And, Staas teaches comparing data to a range of values to determine whether the data is valid or not (col. 6, lines 3-7; Staas teaches that a well known method of validation of data is for example, comparing input data with ranges, a list of valid values). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify the combination to include comparing data with a range of values to determine whether the data is invalid, as suggested by Staas, since this is a standard technique that can reduce the probability that invalid data is used in the system.

7.   **Claim 7** is rejected under 35 U.S.C. 103(a) as being unpatentable over MARUI in views of VAN REENEN et al., CHILDS, STAAS JR. , and BARTELS et al. (US 2003/0208704).

Regarding claim 7, the combination of Marui, Van Reenen, Childs, and Staas disclose the method of claim 25, but the combination does not particularly disclose further comprising: wherein the configuration data is corrected automatically by the mobile device or server system or in conjunction with a human operator, in response to determining the configuration data is outside the range of values.

However, Bartels teaches automatically correcting data if invalid (paragraphs [0014], [0020]; Bartels teaches a computer systems that includes an error detector for detecting errors or corruptions in data stored (i.e., invalid) and is capable of automatically correct the errors without user intervention). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify the combination to include the features of automatically correcting the configuration data when invalid, as suggested by Bartels, since such

a modification would allow the system to correct the configuration data without user intervention and therefore, reduce the time it takes to correct the errors in data.

8.   **Claim 8** is rejected under 35 U.S.C. 103(a) as being unpatentable over MARUI in views of VAN REENEN et al., CHILDS, STAAS JR., BARTELS et al., and ROBERTS et al. (US 2005/0073991).

        Regarding claim 8, the combination of Marui, Van Reenen, Childs, Staas, and Bartels disclose the method of claim 1, but the combination does not particularly disclose wherein the configuration data is re-entered or restored to default or previous values. However, Roberts teaches restoring configuration data to default values (paragraph [0025]). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify the combination to include the features of restoring configuration data to default values, as suggested by Roberts, since such a modification would allow the user to reset the mobile device to its original settings.

9.   **Claim 24** is rejected under 35 U.S.C. 103(a) as being unpatentable over MARUI in views of VAN REENEN et al., and BINDER (US 6,513,052).

        Regarding claim 24, Marui discloses a method of updating database records in a mobile communication network, the method comprising:

                modifying by a user configuration data stored in a memory of a mobile device by entering one or more values by the user through interaction with one or more configuration means of a user interface of the mobile device (Fig. 4; abstract; col. 7, lines 15-57; the user modifies the SID and MID numbers (i.e., configuration data) stored in the memory of the mobile telephone by entering a series of input commands through the keypad (i.e., user interface)).

But, Marui does not particularly disclose determining when the user has modified the configuration data in the mobile device by comparing the entered values with the configuration data; and transmitting the configuration data to a server system for updating respective records of a database in the mobile communication network, in response to determining that the configuration data has been modified by the user.

However, Van Reenen discloses a method for determining when a user has modified data stored in the mobile device and transmitting the modified data to a server for updating respective records of a database via a communication network, in response to determining that the configuration data has been modified to the user (abstract; paragraphs 2-10, 21; an application software identifies changes (i.e., modifications) that have been made to the data stored in the telephone device and transmits the changes to a back up facility (i.e., server) via the telecommunication network, these changes are stored in the storage means (i.e., database) of the backup facility; note that is inherent that changes are determining through a comparison step). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify Marui to include transmitting data that has been modified by the user to a server system for storing and updating respective records of a database in the mobile communications network, as suggested by Van Reenen, since such a modification would allow the mobile device to store a copy of its stored data remotely in order to facilitate restoring the memory of the mobile device in case of damage, theft or displacement of the mobile device.

But, the combination of Marui and Van Reenen does not particularly disclose further comprising determining a user profile for research or marketing purposes based on the database records, wherein the user profile is determined with the user's permission.

However, Binder teaches determining a user profile for research or marketing purposes based on the database records, wherein the user profile is determined with the user's permission (Fig. 3; col. 4, lines 40-57; col. 5-col. 6, lines 1-30; data backup in a storage server (i.e., database records) from a computing device is used to create an asset profile that includes user access patterns and other type of information and is used to select advertisements (i.e., marketing) of interest for the user of the computing device). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify the combination to include determining a user profile for research or marketing purposes based on the database records, as suggested by Binder, since such a modification would allow the user to receive targeted advertisements based the usage of the mobile device.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **MARISOL FIGUEROA** whose telephone number is (571)272-7840. The examiner can normally be reached on Monday Thru Friday 8:30 a.m. - 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent P. Harper can be reached on (571) 272-7605. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marisol Figueroa/
Examiner, Art Unit 2617